

# **PLANNING COMMISSION MINUTES**

**February 16, 2000**

**CALL TO ORDER:** Chairman Maks called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

**ROLL CALL:** Present were Chairman Dan Maks; Planning Commissioners Tom Wolch, Sharon Dunham, Vlad Voytilla, Eric Johansen, Betty Bode and Charles Heckman.

Senior Planner Alan Whitworth, Transportation Engineer Randy Wooley, Associate Planner Tyler Ryerson, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Maks, who presented the format for the meeting.

## **VISITORS:**

Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda items. There were none.

## **OLD BUSINESS:**

### **PUBLIC HEARINGS:**

Chairman Maks opened the public hearing and read the format for the public hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items.

### **CONTINUANCES:**

#### **A. CPA 98-00011/TA 99-00010 – ANNEXATION POLICY**

(Continued from December 8, 1999)

The proposed amendments implement Periodic Review Order #00717 (formerly WO #00628), Work Tasks #2 and #12. These amendments would update the City's Comprehensive Plan and Zoning Code to reflect changes in City policies,

regional mandates and state law relating to municipal annexations and urban service delivery. Specifically, CPA 98-00011 may result in modifications to sections 1.2 through 1.3 (Comprehensive Plan Amendment Procedures Element), sections 2.4 through 2.6 (Public Involvement Element), 3.10 through 3.11 (Land Use Element), sections 5.4 through 5.9 (Public Services Element), and related sections of the Comprehensive Plan. TA 99-00010 may result in modifications to sections 10.4, 40.40, 40.50, 40.75, 40.90 and other sections of the Development Code.

Senior Planner Alan Whitworth presented the Staff Report, explained that the City Attorney's office wishes to review and evaluate a recent LUBA decision on this issue, and requested continuance until March 27, 2000.

Commissioner Dunham requested clarification of the date for continuance of this public hearing, noting that the staff report indicates April 26, 2000.

Mr. Whitworth apologized for reading the incorrect date, noting that April 26, 2000 is the correct date requested for continuance of the public hearing.

Commissioner Heckman commented that he had not heard the reason for continuing this public hearing. Mr. Whitworth informed him that the City Attorney's office wishes to review a LUBA decision prior to reviewing the annexation policy changes.

Commissioner Heckman MOVED and Commissioner Voytilla SECONDED a motion to continue CPA 98-00011/TA 99-00019 Annexation Policy, to a date certain of April 26, 2000.

The motion was called and the question CARRIED unanimously.

**B. CUP 99-00025 – JACK-IN-THE-BOX RESTAURANT**

(Continued from January 5, 2000)

Request for Conditional Use approval for a proposed restaurant on 15915 SW Regatta Lane. The applicant proposes an approximately 2,870 square foot, 68 seat, quick-service, dine-in, drive-through restaurant within an Office Commercial District. The site is within the Office Commercial (OC) zone, and is 1.15 acres in size. Map 1S1-15BA, Tax Lot 1401.

Chairman Maks asked if any members of the Commission wish to declare an ex parte contact or conflict of interest on this application, or for any reason disqualify themselves from participation in this public hearing.

Commissioner Wolch disclosed a conversation he had on January 31, 2000 with Chris Stanley, Traffic Engineer for Jack-in-the-Box, representing Kittelson & Associates, concerning the content of the previous hearing. Noting that he would

like to participate in this public hearing, he assured those present that he is capable of hearing this matter impartially.

On question by Chairman Maks, there were no disqualifications of any Planning Commission members, no one challenged the right of any Planning Commission member to hear this agenda item and no one requested that the public hearing be continued to a later date.

Chairman Maks asked whether members of the Planning Commission had taken the opportunity to visit the site of the application since the first public hearing. Commissioners Heckman and Voytilla both indicated that they had visited the site since the first public hearing.

Chairman Maks discussed concerns that had been viewed concerning access across International House of Pancakes (IHOP). He expressed his opinion that because IHOP does not exist at this time; any issue dealing with IHOP should not be taken into consideration at this time, unless it is very limited in scope.

Assistant City Attorney Ted Naemura confirmed Chairman Maks' observation regarding IHOP.

Chairman Maks stressed that this property should be referred to as a tax lot or a property owner, rather than IHOP, adding that unless there is a deed restriction, the scope of the decision-making should be limited with regard to this property.

Mr. Naemura noted that the context arises with shared access, adding that this should not present a major issue associated with the present application. He commented that the overlap between this application and a prospective IHOP application should not be large at all, emphasizing that the Commissioners should be aware of the information applied to these criteria in the event that IHOP becomes an issue.

Chairman Maks agreed that he is more comfortable with this, reminding those present that IHOP may not happen.

Associate Planner Tyler Ryerson presented the Staff Report and referred to various questions and issues that had concerned the Planning Commission when this Public Hearing had been continued. He noted that the applicant had addressed these issues and that it is reflected with their resubmittal and his memo dated February 16, 2000.

Mr. Ryerson mentioned that he had used the same exhibit numbers for the memo as he previously used for the staff report, noting that Exhibits 1 – 5 are for the memo and Exhibits 1 – 9 are for the staff report.

Mr. Ryerson referred to page 2 of the memo, noting that the note under the box should be amended as follows: “Note: Lots ~~1, 2 and 3~~ **10, 11 and 12** were rezoned to Community Service Commercial(CS). The Waterhouse Commons Retail Center is currently under construction. No restaurant is proposed in regards to the development itself.”

Mr. Ryerson submitted copies of a faxed letter received this afternoon from George Kyler, representing McDonald’s Corporation regarding this application, noting that he had also provided a copy to the applicant. He discussed the primary concerns outlined by Mr. Kyler, including the fact that the terms “high turnover restaurant” or “quality restaurant” are not clearly definable. He clarified that these terms had actually come from the ITE manual, in reference to trip generations, adding that further information is available. Mr. Kyler had also commented that two fast food restaurants currently serve this area and that this proposal would reduce the livability for intended and desired uses on vacant lots.

Mr. Ryerson observed that the staff finds the applicant in compliance with the Planning Commission’s concerns and questions, and based upon the facts and findings in the staff report and memorandum, recommended approval of the application, subject to original conditions listed in the original Staff Report of January 5, 2000.

Commissioner Johansen questioned the change in the lot numbers on the second page of the memorandum.

Mr. Ryerson clarified that the original Waterhouse Commons Subdivision have lot numbers of 1 – 13, one of which is a detention pond, adding that Lots 10, 11 and 12, rather than Lots 1, 2 and 3, received the rezone. He added that this is the location for the current construction of the Waterhouse Commons Retail Center.

Commissioner Johansen discussed his concerns and the intent of the Comprehensive Development Code, noting that of the 13 lots, three have been rezoned, one is a park, and one is a detention pond. Of the remaining eight developable lots, only one is proposed as an office building.

Mr. Ryerson indicated that one lot currently exists as an office building.

Commissioner Johansen questioned the ability of the staff to fulfill the intent of the Office Commercial (OC) zone, emphasizing the current mix of uses and the current proposal.

Observing that this is an Office Commercial (OC) zone, Mr. Ryerson agreed that this constitutes the essence of the entire argument in this issue. He pointed out that an OC zone does allow for eating and drinking establishments through a Conditional Use Permit. He addressed Commissioner Johansen’s concern that since 1994, there has been only one proposed office building within this particular

Office Commercial zone. He mentioned that with Beaverton considered more of a retail-type of city, potential offices might not be aware of the availability of these particular lots.

Commissioner Johansen stated that the subdivision action itself may have reduced the likelihood of offices locating at the site, and Mr. Ryerson agreed that this is a possibility. He pointed out that most of the smaller offices are found in a previously developed area, such as downtown.

Commissioner Johansen stated that he anticipates that the City Attorney would probably inform him that a previous subdivision is not necessary relevant criteria.

Assistant City Attorney Naemura clarified that the zoning is not relevant because it is remaining the same throughout the Conditional Use Permit process, adding that successor buildings are permitted on all these various subdivided parcels.

Chairman Maks commented that the issue with each potential application is that the remainder of the subdivision develops in the appropriate manner.

Commissioner Heckman mentioned page 4 of the Staff Report, referring to the first paragraph regarding relieving the left outs onto Walker during peak times by the use of signalized intersection of Schendel and Walker, specifically, "How would you propose to do that?"

Mr. Ryerson explained that how the use of Schendel could relieve this intersection.

Commissioner Heckman repeated his question, "How would you propose to do that?"

Mr. Ryerson responded that he would prefer to have Transportation Engineer Randy Wooley or allow the representatives of Kittelson & Associates to address this issue.

Commissioner Heckman commented that he had been pleased to find this in the staff report, adding that this had been one of the concerns he had from his site visits.

Commissioner Wolch observed that in the minutes from the last hearing regarding this issue, he had questioned the potential 24-hour operation. He pointed out that while the minutes had reflected there would be no 24-hour operation, the applicant's materials had stated that the drive-through would remain open 24 hours per day.

Mr. Ryerson informed him that a Conditional Use Permit will not be required to operate 24 hours within an OC zone, adding that the applicant should clarify whether their intent is still to operate 24 hours.

Commissioner Heckman referred to a hearing in 1994 and a myriad of conditions that applied at that time, specifically whether any of these conditions are an issue at this time.

Mr. Ryerson reported that he had reviewed these conditions and determined that none of these conditions is an issue at this particular time.

Chairman Maks reminded Commissioner Heckman that they had both served on the Planning Commission at that time. He informed him that his review of the myriad of conditions had possibly been an expansion of the English language and that he had found nothing of concern at this time, and that basically he felt that most of the conditions were contained in the Facilities Review Conditions.

Commissioner Heckman noted that the number 55 had particularly caught his attention.

Mr. Ryerson clarified that 55 reads that “the applicant shall work with the City Traffic Engineer and County Traffic Engineering for the possibility of an extension of Road ‘B’ to the south, with the final decision being made by the Traffic Engineer prior to the final plat approval”, noting that he assumes that Regatta or Outrigger is Road ‘B’.

Chairman Maks informed Commissioner Heckman that he now intends to discard the remainder of 1994 Minutes.

Commissioner Heckman pointed out that he had started his current book in 1992.

#### **APPLICANT:**

**ED SULLIVAN**, representing Preston, Gates & Ellis, 222 SW Columbia Boulevard #1400, Portland, OR 97201 and **MIKE HART**, Jack-in-the-Box Real Estate Manager, 4500 SW Kruse Way #270, Lake Oswego, OR 97035, both appeared in support of the applicant, Jack-in-the-Box.

Mr. Sullivan referred to minutes of the January 5, 2000 Hearing and discussed three major concerns with the project, specifically transportation, need and design. He emphasized that they had attempted to deal separately with each of these three issues. Observing that he had been involved in the 1994 subdivision of the property, he noted that they had been requested at that time to come up with a reasonable worst case scenario. He confirmed that many of the anticipated uses did not occur, noting that the City and the County had both wished to deal with

traffic impact issues at that time, at the subdivision level, rather than later through design review or conditional use permits. He mentioned that the anticipated Office Commercial area had not materialized, noting that there had been various other types of development. He mentioned a subsequent zone change proposal, which dealt with three specific lots designated for commercial purposes, eliminating one third of the lots. He discussed a great deal of office development that eclipsed the smaller development they had proposed, emphasizing that the area has gravitated toward other retail commercial uses, which are listed on the chart on page 2. Mr. Sullivan expanded on a Facilities Review transportation condition necessitating a crossover easement, which may be accomplished with a successful application for IHOP or other proposed development for Lot 2.

Chairman Maks emphasized that he wishes to avoid an appeal on a decision based on an event that may not occur.

Mr. Sullivan assured Chairman Maks that an order will be drafted that will not commit the commission to a future use approval, stressing that they intend to address the cross access with whoever is located there.

Mr. Hart expressed appreciation for the opportunity to return and address the issues raised by the Planning Commission last month. He noted that they had provided experts to testify as to the conditions at the site, who are available to respond to any questions. He clarified that Jack-in-the-Box does attempt to serve their customers on a 24-hour basis, adding that this is not always possible.

**GARY KATSION**, representing Kittelson & Associates, 610 SW Alder Street, Suite 700, Portland, OR 97205, appeared on behalf of the applicant, Jack-in-the-Box. He referred to a letter in the packet, dated January 31, 2000, which was prepared by Kittelson & Associates and addressed each of the issues individually. Noting that they had originally intended to provide overheads, he reported that no one had thought to provide a projector. He submitted a Traffic Issue Summary for the proposed Jack-in-the-Box Restaurant, specifically five basic areas, as follows: 1) the traffic study requirements of the City for this particular proposal, which is the development of Lot 3 of the subdivision; 2) the trip generation rates that will result from the proposed Jack-in-the-Box versus the trip generation rates in the original approval for the entire subdivision identified in the 1994 study; 3) issues concerning operations on SW Regatta Lane; 4) on-site operation issues regarding the actual layout of the site; and 5) off-site operations, particularly Commissioner Heckman's concern with access in and out of Outrigger on Walker Road. He discussed the traffic study requirements, noting that the previous Waterhouse Commons approval had included a Traffic Impact Study and Access Report prepared by Lancaster Engineering in 1994 and mentioned recommended major improvements to Walker Road that had occurred since that time. He emphasized that the public had received the benefit of these improvements since 1995, including full travel lane, a bike lane, sidewalks for the entire frontage between Schendel and 158<sup>th</sup> along Walker, and full improvements along 158<sup>th</sup>,

from Walker to the end of the subdivision. He observed that the impact of the improvements is only now being realized as individual sites are being developed. He discussed concerns with trip generation rates, noting that during peak hours, trip generation rates would probably be less than those of a drive-in bank, which had been planned in the original sub-division of the property. He emphasized that there is a demand for restaurants in this area, adding that the street is built to accommodate both the traffic and necessary parking. Noting that there has been some controversy over classifications of restaurants, he stressed that Jack-in-the-Box is defined as a fast food restaurant. He stated that Jack-in-the-Box is required to have 20 parking spaces during peak hours, stressing that they had provided for 35 parking spaces, emphasizing that there is no anticipated spillover traffic into the cul de sac. He explained access to the site, including walkways for pedestrians, traffic and access options available in the area, as well as possible options if problems should occur. He addressed the concern with possible backing up, assuring those present that because there will be no backing up, this will not pose a danger to pedestrians. He described the extra-large, commercially designed cul de sac, which will easily accommodate safe circulation in the three proposed driveways. He observed that Walker Road between 158<sup>th</sup> and Schendel had recorded eight accidents from December 1995 through December 1998, none of which were associated with movements on Outrigger. He cited Commissioner Heckman's concern with the lefts out at Outrigger, and explained the alternative access and control options available. Concluding that Jack-in-the-Box had made the requested improvements although the proposed development has not yet been established, Mr. Katsion asked if there were further questions.

Chairman Maks advised Mr. Katsion that questions would all be addressed together.

**WADE HUDSPETH**, President of Benner Research Group, 9115 SW Oleson Road, Suite 202, Portland, OR 97229, appeared in support of the applicant, Jack-in-the-Box. He discussed the market study prepared for Jack-in-the-Box Restaurant and referred to documents outlining this study. He also discussed the services provided by his company and the procedure for these studies. He mentioned the two keys for the propensity for success, including the potential in the market and what is currently being served. He referred to page 4 of the report, and explained the opportunity at this site for a QSR (Quality Service Restaurant). He discussed different factors that might bring customers to this particular location, specifically strong residential and employment, lack of competition, the actual traffic, and the activity drivers, such as Fred Meyer and the Terpenning Center. He noted that although the actual ingress/egress of the site is not ideal, this had been determined to be an ideal site for this development.

**KELLY EDWARDS**, representing Scott Edwards Architecture, 1010 NW Flanders, Suite 204, Portland, OR 97209, architect for the project, responded to several concerns, specifically design issues relative to the site and the building. He referred to a follow-up letter he had submitted at the request of Mr. Ryerson,



which should be available in the packet. He called attention to a picture of the site plan, illustrating the on-site grill parking, and emphasized that they had relocated one of the two grill parking spaces. Both are now “head in and head out”, eliminating the possibility of a driver being required to do any backing up or maneuvering to get into the spaces. He advised that because they rarely have a waiting situation, Jack-in-the-Box doesn’t normally even provide these grill parking spaces. He addressed pedestrian circulation around the site, noting that Jack-in-the-Box is sympathetic to these concerns and that pedestrians have access to enter the building without crossing the drive-through lane. He explained that they had attempted to minimize the affect of the drive-through lane, which had been located in this position due to utility easements existing along the street, specifically an architectural feature out on the outboard side of the drive-through lane that emulates the exterior façade of a structure. They had also added detail to the pedestrian access and provided some columns and some fenestration in that wall, which brings the façade closer to the street and begins to mask the vehicles from the street. He discussed the concern with the area attracting retail business and restaurants, rather than office buildings, and explained the positive aspects of locating different restaurants within the same area.

Observing that he has no specific concerns with traffic in this area, Chairman Maks questioned the level of service during peak hours of restaurant, 11 a.m. to 2 p.m.

Mr. Katsion responded that the exact level of service had not been calculated.

Chairman Maks requested clarification of the trip generation of a bank compared to Jack-in-the-Box.

Mr. Katsion informed Chairman Maks that this was a comparison of a bank to a Jack-in-the-Box, observing that his firm had performed studies regarding a number of Jack-in-the-Boxes in the Portland area. He pointed out that the ITE Trip Generation Manual clearly states that if the actual use is known, it is better to use representative samples from those locations versus the national standards.

Noting that he agrees with this concept, Chairman Maks expressed his concern with Conditional Use Permits connected to the property and potential problems this may create.

Mr. Katsion discussed calculations they had prepared for a general fast-food restaurant with a drive-through, adding that the trip generation predicted for the same square footage was basically the same.

Chairman Maks requested clarification of whether Mr. Katsion was referring to a Jack-in-the-Box or a bank.

Mr. Katsion informed him that the trip generation for a bank was estimated at about 180, while at a generic fast-food restaurant, it was only about 100, during p.m. peak.

Chairman Maks reminded Mr. Katsion that they should not be considering p.m. peak when the restaurant's peak is 11 a.m. to 2 p.m.

Mr. Katsion reminded Chairman Maks that traffic studies provide for a.m. or p.m., adding that he does not have the figures for mid-day. He assured Chairman Maks that all available information indicates that even during the mid-day peak hour, the trip generation of this fast food drive-in restaurant would be well below what would be generated by a drive-through bank at this location.

Chairman Maks expressed his approval of the improvements already made by Jack-in-the-Box. He questioned the timing that accidents had occurred, specifically whether they had occurred between 11 a.m. and 2 p.m.

Mr. Katsion informed him that there had been no specific trend noted in the time the accidents had occurred.

Chairman Maks discussed left-hand turn movements, specifically those that have located directly across the street left-hand, right-hand and straight-through movements.

Mr. Katsion noted that good site distance is available in both directions and that there are really no close driveways.

Chairman Maks mentioned parking spaces, noting that 50% to 65% of the business at most fast food restaurants is drive-through window, with an additional percentage being individuals who park, go in and purchase their meals, and drive away again. He stressed that in essence; ANY percent of the business is vehicular driven.

Mr. Hart agreed that Jack-in-the-Box is very similar to any other fast-food restaurant in this respect.

Chairman Maks questioned the availability of adequate parking for service during the peak service of 11 a.m. until 2 p.m.

Mr. Hart assured him their experience has indicated that the 35 parking spaces is more than sufficient, adding that they generally have less than 20 vehicles at the location. He noted that the Kittelson Report should validate this information.

Chairman Maks referred to a drawing of a pedestrian crossing the drive-through from 158<sup>th</sup>, and asked how many vehicles will be able to queue from the drive-through window to that pedestrian way.

Mr. Katsion informed him that two or three vehicles should queue at this location.

Chairman Maks predicted that this pedestrian way would not be very usable given these circumstances, pointing out that there are nearly always three cars at a drive-through window at noon.

Mr. Katsion observed that this is generally true during the peak hours.

Chairman Maks pointed out that this is also the time that pedestrians would be more likely to walk there.

Mr. Katsion suggested that pedestrians would also utilize this area throughout the afternoon to access the recreation center.

Chairman Maks stressed that most pedestrians will not purposely walk through the exhaust of two or three vehicles, adding that it would be more pedestrian-friendly if it was not designed for people to walk between two running cars.

Chairman Maks questioned pedestrian access from the hotel end of the site, and was informed that there is access to the Homestead Village, which does not have food service.

On question, Mr. Hart informed Chairman Maks that page 5 of the report has a pie chart that illustrates the sources where revenue is anticipated to come from.

Chairman Maks referred to page 4 of the report, specifically the total annual store volume.

Mr. Hart observed that the study includes 33 stores, 14 of which are within two miles.

Commissioner Heckman requested clarification of the terms “activity drivers” and “freeway availability” on page 3 of the report.

Mr. Hart defined “activity drivers” as anything that will aid the site, i.e. the area – add traffic to the area, such as Home Depot, Wal-Mart, or the Terpenning Center. They are analyzed as improving the condition of the site. He explained “freeway availability” as being visible from the freeway.

Commissioner Heckman referred to the fourth paragraph on page 5 of the report, specifically the percentage of the sales originated at the site, and the paragraph on page 6 which refers to these sales, noting that there exists a differential which he does not quite understand.

Mr. Hart clarified that of the dollars estimated to come from outside the trade area, the majority is due to support of the “activity drivers”.

Commissioner Heckman referred to Mr. Hart’s mention of telephone studies, and questioned the reliability of this source of information.

Stating that the confidence level is approximately 95% to 97%, Mr. Hart assured Commissioner Heckman that they consider telephone studies very reliable.

Commissioner Heckman questioned how the accuracy of telephone studies is verified.

Mr. Hart observed that this is a statistical evaluation that comes from a formula.

Commissioner Heckman expressed his agreement with Mr. Katsion regarding a left turn off of Schendel on to Walker Road, questioning how those unfamiliar with the area are to know to travel those extra two blocks west.

Mr. Katsion agreed that the first time driver will not be aware of this, adding that the second time he will remember, even if it is three months later, particularly if they had a problem getting out of a place.

Commissioner Heckman referred to the large “bulb” in the cul de sac, observing that this is actually an asset in this situation.

On question, Mr. Katsion informed Commissioner Heckman that he believes the “bulb” in the cul de sac is approximately 110 feet in diameter. He explained that because it is a commercial subdivision, rather than residential, adequate space is needed to turn around fire trucks, and semi trailer and delivery trucks. He agreed that a smaller bulb would not work as well for the larger vehicles.

Commissioner Heckman questioned the validity of the data regarding drive-through banking, pointing out that there has been a massive change in banking, i.e. the small bank branches located within grocery stores.

Mr. Hart informed him the ITE Trip Report is updated on approximately a two-year basis, adding that they keep up with current trends and their information is fairly accurate and reliable.

Commissioner Heckman pointed out that while in the past, his bank always used two tellers and had a lineup, it currently uses only one teller and the lineup is much smaller than it used to be. He mentioned that within two miles of his home, there are probably four branch banks within grocery stores.

Chairman Maks suggested the necessity of a traffic generation number for ATMs.

On question, Mr. Katsion informed Commissioner Heckman that the 180 trip generations during p.m. peak for drive-up banks are still valid.

Mr. Heckman questioned recent on-site visits, specifically the count between 11:45 a.m. and 1:00 p.m. – the count coming off of Walker onto Regatta.

Mr. Katsion reported that although he had watched, he had not actually counted the cars.

Commissioner Heckman questioned whether he had counted the walk-ins, and Mr. Katsion stated that he had not.

Commissioner Heckman observed that he had counted the walk-ins, for two days, adding that he wishes Mr. Katsion had counted them, as well.

Commissioner Heckman asked Mr. Katsion of a possible method for advising drivers not to attempt to enter Walker Road at that location between 11 a.m. and 2 p.m., but to travel one block west to Schendel where there is a signal light. He expressed concern for the senior citizens that may not move as quickly as others.

Mr. Katsion suggested the possibility of a directional sign at the intersection with Outrigger with an arrow pointing to Schendel indicating westbound traffic straight ahead. He added that this should be posted approximately 100 feet east of Outrigger, allowing drivers the opportunity to make that choice.

Commissioner Voytilla referred to the site plan, questioning the setback for the travel lane for the drive-up window.

Mr. Edwards informed him that it is positioned 31 feet from the property line, with another approximately eight feet to the edge of the sidewalk, noting that the drive-through lane is beyond the 30 feet.

Commissioner Voytilla questioned site visibility from Walker Road onto 158<sup>th</sup> Street.

Mr. Edwards discussed provisions that had been made to assure site visibility at this location.

Commissioner Voytilla asked how many of the parking spaces are compact.

Mr. Edwards informed him that all parking spaces are standard size, and a truck-turning lane will be available for deliveries.

Commissioner Voytilla referred to a letter submitted by George S. Kyler, Real Estate Representative for McDonald's Corporation, and questioned the Teriyaki Restaurant's status as a fast-food restaurant.

Mr. Katsion discussed the Teriyaki Restaurant, noting that it generally operates as a sit-down type restaurant. With no drive-in available, it is necessary to go in, although it is still possible to purchase your food and leave. He clarified that his determination of traffic generation, based on the description provided by ITE, adding that with all that has been approved to date, the peak hour area trip generation is still about 20% lower than what was anticipated in 1994.

Commissioner Wolch expressed concern with traffic on Regatta, noting that he had personally observed a great deal of traffic in the area and questioning the width of the street.

Mr. Katsion assured Commissioner Wolch that he had personally measured the width of Regatta Street and that it is 36 feet wide. He emphasized that with no place to speed to, there should be no concern with speeding, adding that if a problem does develop, the City always has the option of removing parking, if appropriate.

Commissioner Wolch observed that he had noticed some traffic problems in the area and is concerned with more commercial use compounding the problems. He proposed the possibility of removing parking on the south side.

Mr. Katsion pointed out that the applicant has no control over parking on a public street.

Commissioner Heckman questioned whether a bank drive-through patron utilizes a similar amount of time as a restaurant drive-through patron.

Noting that he had never actually taken statistics, Mr. Katsion expressed his opinion that the time for each is probably pretty similar.

Commissioner Heckman described his personal experiences with taking this particular left turn onto Walker Road at the non-signalized intersection, both yesterday and today, observing that poor visibility required him to position the nose of his vehicle out into the traffic lane. He emphasized that although this may be partially due to extra vehicles parked due to construction in the area, he is not comfortable with the current situation.

Mr. Katsion agreed that this could be partially due to the construction going on in the area at this time, adding that the County had required certification of site distances by the engineers.

Commissioner Heckman commented that that particular site distance would not hold up to standards of the City of Beaverton.

Commissioner Heckman discussed an increased vehicle count, and Mr. Katsion agreed that the addition of Jack-in-the-Box Restaurant would inevitably increase the vehicle count.

Commissioner Heckman stated that he had observed problems exiting the cul de sac bulb today.

Mr. Katsion mentioned several options for Regatta Lane, including: 1) leaving it as it exists at this time; 2) removal of parking on one side and restriping for two slightly wider lanes; and 3) removal of parking on both sides and restriping for three lanes, providing for a left turn lane, allowing vehicles to wait in a center lane.

Commissioner Heckman commented that everyone observes all the rules and that queuing just happens.

Chairman Maks mentioned pages 3 and 4 of the staff report, specifically reducing vehicular trips and creating a pedestrian-friendly atmosphere and questioned the necessity of a drive-through window.

Stressing that they are working to alleviate some of the queuing that is backing up onto Regatta Drive from the McDonald's Restaurant drive-through, while providing an additional option for the consumers, Mr. Hart indicated that Jack-in-the-Box does need a drive-through window.

Chairman Maks complimented the ITE section provided by Jack-in-the-Box Restaurant, he questioned whether any analysis had actually been done regarding the trip generation for Best Teriyaki.

Mr. Katsion confirmed that no actual counts had been taken for Best Teriyaki.

Noting that he had personally observed that Best Teriyaki's walk-in trip generation exceeded that of McDonald's Restaurant at a ratio of four to one, Chairman Maks stressed that even without a drive-through window, a lot of trips are generated by Best Teriyaki. He noted that his concern with the traffic is a safety issue, particularly with individuals parking and running across the street, causing the street to function as only one lane. He suggested that Best Teriyaki could be considered a fast-food restaurant.

Mr. Katsion emphasized that his concern is with total trip generation in the area, reminding Chairman Maks of the 20% buffer now existing.

Chairman Maks clarified that his concern is that even without a drive-through window, Best Teriyaki is already operating as a fast-food restaurant, causing a large trip generation.

Mr. Katsion noted that a sit-down restaurant actually generates more trips than a fast-food restaurant during a p.m. peak period.

8:40 p.m. -- Chairman Maks called for a break

Mr. Wooley left at 8:50 p.m.

8:53 p.m. – the Public Hearing resumed.

Mr. Sullivan discussed a letter not included in the packet

Mr. Katsion discussed traffic that will be generated by Jack-in-the-Box, emphasizing that this should not create additional traffic problems on the street. He pointed out that the current operations in the area are tolerable at this time and that Jack-in-the-Box is open to changes.

Mr. Edwards expressed concern with pedestrians in the area, noting that Jack-in-the-Box is making every attempt to resolve any potential conflicts or problems.

Mr. Sullivan pointed out that this proposal could serve an existing need in the community, and requested approval of the application.

#### **PUBLIC TESTIMONY:**

**GEORGE KYLER**, 5000 SW Meadows Road, Beaverton, OR, who is employed by McDonald's Restaurant, discussed the fast food industry and "small office space". He expressed concern with the trip generation of 50 cars per hour, noting that this is one car per second.

#### **REBUTTAL:**

Mr. Katsion emphasized that 50 cars per hour are one car per minute, rather than one car per second.

Mr. Katsion discussed the issue of site traffic over time, noting that the project will still fall within 20% under the 1994 projections.

On question by Chairman Maks, Mr. Ryerson had no further comments regarding the application.

City Attorney Naemura discussed the procedural issue as it applies to Commissioner Bode, who did not serve on the Planning Commission at the time of the first public hearing on this issue.



Commissioner Bode assured Mr. Naemura that although she had not served on the Planning Commission at the time of the first public hearing on this issue, she had reviewed all of the information and feels qualified to make a decision.

Chairman Maks closed the public portion of the hearing.

Explaining why he has problems with the project, Chairman Maks observed that he is supporting the project because of the increase in available office space, the subsequent necessity for available food in the area and the need to reduce vehicular travel to reach this food. He expressed approval of a center turn lane, which would reduce the impact of the traffic generated in the area.

Commissioner Johansen complimented the applicant on their presentation of their project. He discussed long-term plans and the possibility that there may be an increased demand for office space and expressed concern with a large number of conditional uses being allowed for restaurants as opposed to locating offices in this area.

Commissioner Wolch expressed support of the application, adding that he feels that the application meets the criteria of the ordinances and is consistent with the Comprehensive Plan. He stressed that this does not constitute a “strip development”, adding that this is advantageous to the City of Beaverton. He discussed blockage he had observed on Regatta Lane, noting that he would like to condition his approval to remove the parking on the south side of the property.

Chairman Maks suggested that this be in the form of a recommendation, rather than a condition, and explained his concern with proper notification to adjacent property owners.

Commissioner Heckman noted that although he is not in love with this proposal, it does meet the criteria stipulated in 1995. He suggested removal of parking on the north side, rather than on the south side. He disagreed with Mr. Katsion’s statement that the average drive-through banking customer utilizes an equal amount of time as an average drive-through fast food customer. He emphasized that this application stands alone, as do all future applications for this area and expressed his support of the application.

Commissioner Dunham expressed concern with the am/pm peak reference, with no reference to lunchtime peak, adding that this needs to be addressed in future traffic analysis. She expressed appreciation of the applicant for addressing certain concerns and expressed approval of the project, which meets necessary criteria.

Commissioner Bode expressed support of the application and expressed her opinion that a drive-through bank and a drive-through restaurant are not very similar operations.

Commissioner Voytilla expressed appreciation to the applicant for addressing concerns of the Planning Commission from the prior hearing, and his support of the project. He noted that this project does serve a valid need in the area and concurred with any recommendation regarding parking restrictions.

Chairman Maks suggested conditioning a motion for approval with the addition of the following condition:

- “7. The Planning Commission recommends the City Traffic Engineer and Traffic Commission study, at the present time, parking and traffic flow on Regatta, and monitor it as further development takes place.”

Chairman Maks requested a motion regarding CUP 99-00025 – Jack-in-the-Box Restaurant. Hearing none, he passed the gavel to Commissioner Voytilla, who temporarily served as Vice-Chairman.

Commissioner Maks MOVED that CUP 99-00025 – Jack-in-the-Box Restaurant, be amended with the addition of the following condition:

7. The Planning Commission recommends the City Traffic Engineer and Traffic Commission study, at the present time, parking and traffic flow on Regatta, and monitor it as further development takes place,”

And approved.

Commissioner Dunham SECONDED a motion to approve CUP 99-00025 – Jack-in-the-Box Restaurant, as amended.

Motion CARRIED, by the following roll call vote of the Commissioners present:  
Aye: Commissioners Maks, Wolch, Dunham, Voytilla and Bode. Nay: Commissioners Heckman and Johansen.

### **NEW BUSINESS:**

A. **CPA 99-00029/RZ 99-00019 – 17005 NW CORNELL ROAD COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE**

This proposal is to amend the Comprehensive Plan and Zoning Maps to add this parcel and designate it Commercial (COM) on the Comprehensive Plan Map and General Commercial (GC) on the Zoning Map. The parcel is currently designated General Commercial (GC) by Washington County. The site is located at 17005 NW Cornell Road and NW 169<sup>th</sup> Place and is approximately 5.19 acres in size. Map 1N130DC; Tax Lot 00200.

Mr. Whitworth presented the Staff Report and recommended approval.

On question, there were no questions of staff.

On question, the City Attorney had no comments.

Chairman Maks asked if there were any members of the public wishing to speak for or against CPA 99-00029/RZ 99-00019 – 17005 NW CORNELL ROAD COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE. Being none, this portion of the Public Hearing was closed.

Commissioner Johansen MOVED and Commissioner Heckman SECONDED a motion to approve CPA 99-00029 – 17005 NW Cornell Road Comprehensive Plan Map Amendment.

Motion CARRIED unanimously

Commissioner Johansen MOVED and Commissioner Heckman SECONDED a motion to approve RZ 99-00019 – 17005 NW Cornell Road Rezone.

Motion CARRIED unanimously.

### **MINUTES:**

The minutes of January 19, 2000, as written, were submitted. Chairman Maks asked if there were any corrections or amendments. Commissioner Dunham referred to the third paragraph of page 3, requesting that the minutes be amended, as follows: “He mentioned that at that time there had been a great deal of discussion regarding ~~connectivity~~ **connectivity** and block length and the preservation of that opportunity for the future, adding that at the direction of the Planning Commission, the applicant had requested a continuance in order to work with staff for alternatives to preserve that ~~connectivity~~ **connectivity** opportunity.” Commissioner Bode referred to the fifth paragraph of page 10, requesting that it be amended, as follows: “Being none, the minutes of December 8, 1999, were approved, **unanimously**, as written, **with the exception of Commissioner Bode, who abstained from voting on this issue.**” Commissioner Dunham referred to the third paragraph of page 10, requesting that it be amended, as follows: “Commissioner ~~Jensen~~ **Johansen** MOVED...” Commissioner Bode moved and Commissioner Heckman SECONDED a motion that the minutes be adopted, as amended.

The question was called and the motion CARRIED unanimously, with the exception of Commissioner Voytilla, who abstained from voting on this issue.

The minutes of January 26, 2000, as written, were submitted. Chairman Maks asked if there were any corrections or amendments. Commissioner Dunham referred to the third paragraph of page 9, requesting that the minutes be amended,

as follows: “Commissioner Dunham noted **that the minutes reflected** that her absence was excused...” Commissioner Voytilla MOVED and Commissioner Heckman SECONDED a motion that the minutes be adopted, as amended.

The question was called and the motion CARRIED unanimously.

**MISCELLANEOUS BUSINESS:**

Chairman Maks discussed the situation with the alternate member of the Planning Commission, stating that he will notify the Mayor to make arrangements for the appointment of a replacement.

Meeting adjourned at 9:50 p.m.